

AG Contract No. KR98-0369TRN  
ADOT ECS File: JPA 98-18-Amendment 1  
FS Agreement No. IA-0312-98-SO-021  
TRACS No.: Various  
Project:: Various  
Section: SR 87, SR 260, SR 88 and SR 188  
US 60 and SR 77

AMENDMENT NO. ONE (1)

INTERGOVERNMENTAL AGREEMENT

(Collection Agreement)

BETWEEN

THE STATE OF ARIZONA

AND

THE UNITED STATES DEPARTMENT OF AGRICULTURE  
TONTO NATIONAL FOREST

THIS AMENDMENT, entered into 24 June 2002, Amendment Number 1 to JPA 98-18, AG Contract No. KR98-0369TRN, and executed 03 June, 1998, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the UNITED STATES DEPARTMENT OF AGRICULTURE, TONTO NATIONAL FOREST, acting by and through its Contracting Officer (the "Forest Service")

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Forest Service is empowered by Cooperative Funds Act of 30 June 1914 (16 U.S.C. 498) and the Intergovernmental Cooperation Act of 1968, Title III, 31 U.S.C. 6501-6508, Pub. L. 90-577, as amended, Pub. L. 97-258, 13 Sept. 1982 to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Forest Service.

The purpose of this amendment is to amend I. RECITALS, Paragraph 3. and II. SCOPE, Paragraph 2, to increase the cost reimbursement total for highway construction projects from \$1,500,000.00 to an amount not to exceed \$2,000,000.00, and in addition add US 60 and SR 77 to project activities.

THEREFORE, in consideration of the mutual agreements expressed herein, and JPA 98-18 is amended herein as follows:

NO. 22397  
Filed with the Secretary of State  
Date Filed: 06/24/02

Betsy Bayless  
Secretary of State

By Wm. J. Haerewold

#01

## II. SCOPE

Replace II. 2. to read as follows:

The State will:

Reimburse the Forest Service within 30 days after receipt and approval of invoices, in a total amount not to exceed \$2,000,000.00.

## III. MISCELLANEOUS PROVISIONS

7. All contractual notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007  
FAX (602) 712-7424

USDA Forest Service  
Tonto National Forest  
Don VanDriel  
2324 E. McDowell Road  
Phoenix, AZ 85006

8. Attached hereto and incorporated herein is the written determination of legal counsel that the State is authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

Except as set forth above, all other terms and conditions of the original Agreement remain the same, except as changed herein.

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IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written

U.S. DEPARTMENT OF AGRICULTURE  
Tonto National Forest

STATE OF ARIZONA  
Department of Transportation

By Thomas J. Cabende  
for: KARL P. SIDERITS  
Forest Supervisor

By William J. Higgins  
WILLIAM J. HIGGINS, P.E.  
Deputy State Engineer

5/29/2002  
(date)

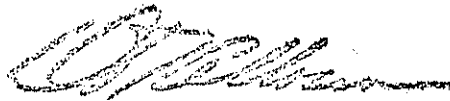
6/3/02  
(date)

AMENDMENT NO. ONE

RESOLUTION

BE IT RESOLVED on this 20<sup>th</sup> day of May, 2002, that I, the undersigned VICTOR M. MENDEZ, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the INTERMODAL TRANSPORTATION DIVISION, to enter into an intergovernmental agreement with THE UNITED STATES DEPARTMENT OF AGRICULTURE, TONTO NATIONAL FOREST, for the purpose of amending I. RECITALS, Paragraph 3. and II. SCOPE, Paragraph 2, to increase the cost reimbursement total for highway construction projects from \$1,500,000.00 to \$2,000,000.00.

Therefore, authorization is hereby granted to draft said agreement, which upon completion, shall be submitted to the Deputy State Engineer for approval and execution



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DAVID R. ALLOCCO, P.E. Assistant State Engineer  
Engineering Technical Group  
for VICTOR M. MENDEZ, Director

DETERMINATION

Arizona Contract No JPA 98-18, which is an agreement between public agencies; to wit; the STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the UNITED STATES OF AMERICA, TONTO NATIONAL FOREST, has been reviewed by the undersigned for the United States who has determined that it is in the proper form and within the powers and authority granted to the United States.

No opinion is expressed as to the authority of the State of Arizona to enter into said agreement

DATED this 29<sup>th</sup> day of May, 2002

THE UNITED STATES OF AMERICA

By 



JANET NAPOLITANO  
ATTORNEY GENERAL

STATE OF ARIZONA  
OFFICE OF THE ATTORNEY GENERAL  
TRANSPORTATION SECTION  
1275 WEST WASHINGTON STREET, PHOENIX, AZ 85007-2926

TRN Main: (602) 542-1680  
Direct: (602) 542-8855  
Fax: (602) 542-3646  
MAIN PHONE : (602) 542-1680  
FACSIMILE : (602) 542-3646

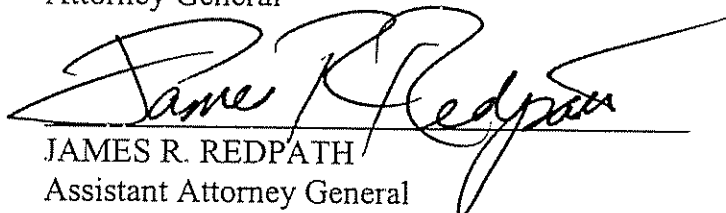
**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR98-0369TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED June 6, 2002.

JANET NAPOLITANO  
Attorney General

  
JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

SED:ggt

Enc.

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